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August 29, 2017

BY HAND DELIVERY
AND E-MAIL

Hon. James C. Sheers
and Members of the Planning Board
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Amended Site Plan Application – Proposed Nonresidential Addition to Existing Building
Premises: 475 Main Street, Beacon, New York (Tax ID: 6054-37-076730)

Dear Chairman Sheers and Members of the Planning Board:

This letter is respectfully submitted on behalf of 605 N. Macquesten Parkway, L.L.C., as a single member for 475 Main Street Beacon LLC, (the “Applicant”), the owner of the above-referenced Premises, in connection with an Amended Site Plan Application proposing to expand the existing office space and maintain the retail space on the Main Street frontage. The Applicant previously appeared before this Board at multiple meetings,¹ proposing to construct a proposed two (2)-story addition to the rear of the existing one (1)-story building, located behind the Howland Cultural Center, in order to develop seven (7) apartments. Based on preliminary comments from the Planning Board and its consultants, and from the Howland Cultural Center,² the Applicant went back to the drawing board. The Applicant revised the existing Site Plan to expand the existing office space and maintain the retail space and obtained a Financial Analysis from an experienced licensed real estate broker, Mr. Daniel Aubry, of Daniel Aubry Realty,³ to consider the feasibility of continuing the office and retail use of the Premises.

As noted in the enclosed Financial Analysis, the proposed addition is necessary to provide a reasonable return on the Premises (especially, because the Application no longer includes a

¹ The Applicant appeared before this Board on May 9th, June 13th, July 11th and August 9th, 2017, to preliminarily review the Site Plan Application.

² The Howland Cultural Center’s Letter dated July 13, 2017, identified in relevant part that the Howland Cultural Center believes that the “... highest and best use of this property, at least from the community’s point of view, would be for retail, office and studios, which are historic uses and ones that appear to be in demand.”

³ Enclosed as **Exhibit A**, is a copy of a Financial Analysis of the proposed development on the Premises, prepared by Daniel Aubry, of Daniel Aubry Realty, who is very familiar with the marketing of residential properties in the City of Beacon.

residential component as strongly suggested by the Howland Cultural Center). As the building currently stands, the current useable building area is not economically viable for prospective office tenants who we understand have highlighted the need for additional floor area in order to occupy the unique 'L'-shaped building. Further, as depicted on the revised Site Plan,⁴ and as more fully detailed in the enclosed Memorandum prepared by Cleary Consulting,⁵ which responds to comments pertaining to the Shadow Impact Study for the proposed development, the proposed addition maintains and perpetuates the historic use of the Premises adjacent to the Howland Cultural Center. It is respectfully submitted that the proposed improvements to the existing façade in connection with this Amended Site Plan Application are enhancements to what is currently visible from Main Street, and that the proposed addition is consistent with the character along Main Street and with the City's Comprehensive Plan Update.

PROPERTY BACKGROUND:

As this Board is aware, the Applicant's prior proposal involved the construction of a two (2)-story addition to the existing one (1)-story rear portion of the existing 'L'-shaped building, two-thirds (2/3) of which is already three (3)-stories in height, in order to develop seven (7) apartments. Through this Amended Site Plan Application, the Applicant proposes a modified two (2)-story addition, reducing the overall size of the addition to 2,664+/- sq. ft., for an expansion of the existing office space on the second and third floors, and a continued use for retail space on the Main Street frontage. Notably, in order to expand the office space, an additional stair tower is required, occupying approximately 450 sq. ft. of the addition. According to research from the Beacon Historical Society, including the 1964 Beacon Directory, the existing use of the first floor in 1964 was for a retail (hardware store), with professional legal offices on the 2nd and 3rd floors. Thus, the proposed amended plan is consistent with the historical use of the building.

As indicated at the August 8th Planning Board meeting, the Applicant considered the feasibility of a development *without* the residential component. While the Applicant no longer requires a Special Permit from the City Council or a density variance from the Zoning Board of Appeals ("ZBA") because the proposed multi-family component has been removed, the proposed addition to the existing mixed-use building conforms to the applicable requirements set forth in the

⁴ Enclosed please find copies of the revised site plan renderings prepared by Aryeh Siegel, Architect.

⁵ Enclosed herein as **Exhibit B**, please find a copy of the "Shadow Impact Study," prepared by Cleary Consulting, dated July 20, 2017.



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Zoning Code of the City of Beacon (the “Zoning Code”),⁶ but for the number of parking spaces, which requires an area variance from the ZBA. An area variance application was submitted to the ZBA detailing the area variance relief sought.

Currently, as shown on the enclosed Site Plan and Building Elevations, approximately two-thirds (2/3) of the existing building is already three (3)-stories. *See also Exhibit C – Google Map Images.* Through this application, the Applicant proposes an addition that will make the existing building three (3)-stories uniformly throughout. Under the current zoning, the maximum building height is 35 feet (three (3) stories)). As shown on the Site Plan and Building Elevations previously submitted to this Board, the proposed addition will not exceed the permitted building height.

Additionally, pursuant to the recommendations in the recent Comprehensive Plan Update, the City Council is considering an amendment to the Zoning Code to extend the Central Main Street (CMS) District to the upper and lower sections of Main Street that are currently zoned CB.⁷ This extension of the CMS District would include the Premises. As identified in the Comprehensive Plan, “[t]he CMS encourages infill development by raising development potential and lowering parking requirements” the purpose being “... to allow for continued commercial vitality and mix use of area along Main Street.”⁸ Indeed, if the Premises is rezoned from CB into the CMS District, pursuant to the recommendations in the Comprehensive Plan Update, a parking variance *would not* be required for the Premises – as only 23 spaces are required (with the addition). Further, the existing street parking is supplemented by the presence of two (2) public parking lots located within 800 feet of the Premises; the public lot adjacent to the Hudson Valley Brewery and the public lot adjacent to the Beacon Theater. In the CMS, the Planning Board may consider modifying the parking requirement of ZONING CODE § 223-41.18(F)(2).⁹ The Zoning Code provides that the Planning Board, in its discretion may modify the parking requirements provided “[t]hat there is sufficient public parking available within 800 feet of the site and within the CMS or PB Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.” ZONING CODE § 223-41.18 (F)(3)(d).

⁶ Note: Zoning Code Section 223-26(B)(2) provides that parking is not required for the Premises, because the building was in existence on April 20, 1964, and the new use is less than 25% greater intensity than the use existing in 1964.

⁷ CITY OF BEACON COMPREHENSIVE PLAN UPDATE, dated March 29, 2017, at page 171 (the “Comprehensive Plan Update”).

⁸ See COMPREHENSIVE PLAN UPDATE, at 171.

⁹ See ZONING CODE § 223-41.18(F)(3).



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Indeed, following his comments at the August 21, 2017 City Council Meeting, City Councilman Kyriacou submitted a Memorandum to the Mayor and City Council, citing one of the stated purposes of the Comprehensive Plan Update, which calls for the City “to increase the vitality, attractiveness and marketability of Main Street and the Central business District.” Councilman Kyriacou’s Memorandum goes on to say that “Beacon has come so far that we should now plan for job-creating uses as opposed to residential ones” with an emphasis on local employment creation. Accordingly, it is respectfully submitted that Applicant’s proposed addition is consistent with the Comprehensive Plan Update and continues the historic uses of the Premises.

SITE DEVELOPMENT PLAN APPROVAL & CERTIFICATE OF APPROPRIATENESS:

The Applicant has submitted plans and information establishing that the proposed alterations and additions to the existing building are consistent with the character of the neighborhood and the considerations in Zoning Code Section 223-25, pertaining to site development plan approval. The proposed use maintains the current the building in the Historic District and Landmark Overlay and encourages local employment and walkability, with a focus on office space for local residents on Main Street. Neighboring properties will not be adversely impacted by the proposed project. The addition is consistent with the scale of surrounding properties. Immediately west of the Premises are mixed-use commercial and apartment developments on the south side of Main Street, including apartments above Brother’s Trattoria, and the redevelopment of the Beacon Theater. Additionally, the Beacon Hotel is located west of the Premises on the north side of Main Street. The proposed addition is located behind the Howland Cultural Center, and the topography of the property limits any visual impacts of the same.

In reviewing any potential impacts from the proposed addition to the rear of the existing building, the Applicant has been in communication with the Howland Cultural Center. In response to the Howland Cultural Center’s letter dated June 13, 2017 (the “June 13th Letter”), the Applicants requested to meet with the Howland Cultural Center to further discuss concerns with the proposed apartment units in the building. In response to the June 13th Letter and comments from this Board, the Applicant prepared the enclosed Shadow Impact Study, which supplements prior submissions about potential impacts. Additionally, in response to comments at the August 8th Planning Board meeting, the Applicant’s consultant, Cleary Consulting, prepared a response to comments letter dated August 28, 2017, which includes additional data and images. See **Exhibit D**.

Much like the Howland Cultural Center's Mission Statement,¹⁰ which calls "to serve the community by welcoming groups to use the Center for their special events, i.e.: meetings, recitals, fundraisers, ceremonies, workshops, parties and more", the Applicants propose to continue a use that has existed alongside the Howland Cultural Center for decades, welcoming Beacon-ites to work live and work local. Like the Howland Center's 2007 upgrade to its geothermal heating to cut its energy costs, the Applicants require the proposed addition so that the use can exist in the current economic climate. Just because the building is located adjacent to a historic site, does not give the adjacent property owner an easement to prevent any and all changes. Indeed, the proposed changes are to the rear of the Howland Cultural Center, and should enhance the site.

Generally, the Shadow Impact Study presents the findings of an analysis of the impact of shadows cast by the existing building, as well as shadow impacts resulting from a proposed addition. As more fully documented in the Shadow Impact Study, the proposed building addition will only result in slightly longer shadows on the Howland Cultural Center's courtyard during certain times of the day, during certain times of the year. As shown in **Exhibit C**, and the photographs included in the Shadow Impact Study, the courtyard is a very narrow area located between two (2) existing tall buildings that are much taller than the width of the courtyard. Consequently, the courtyard is currently impacted by existing shadows created by the Howland Cultural Center, with limited impacts from the 475 Main Street building. This is particularly so for the areas of the planting beds that are located directly adjacent to the buildings themselves. Accordingly, any limited new shadows from the proposed addition will only encroach into the lawn area between the planting beds, and on the rear wall of the Howland Cultural Center building. New shadow impacts to the existing planting beds adjacent to the buildings will not result from the addition.

As noted in the Shadow Impact Study, the proposed addition has limited shadow impacts from current conditions, providing in relevant part that:

These shadows are negligible, and do not materially alter the character of either the side or rear yard of the Howland Center, nor would they fundamentally change the already generally shady characteristics of the yards. The existing shade tolerant plantings located along the building foundations would not be further adversely impacted by the shadows cast by the proposed building addition.¹¹

¹⁰ Available at: <http://www.howlandculturalcenter.org/mission-statement.html>.

¹¹ See "Shadow Impact Study" at 5.

Additionally, the Shadow Impact Study shows conditions under completely clear skies – with no allowance for cloud cover or overcast skies, which occur randomly. Therefore, it is also important to note that shadows are in constant motion, and the limited impacts noted herein will affect the Howland Cultural Center’s yards for only a short period of time, thus reducing any actual and perceived shadow impacts.

In addition to the Shadow Impact Study, the Applicant’s architect also revised the building renderings for the proposed addition for the proposed office use. Notably, as can be seen from the attached rendering, the upper story of the southeast corner of the proposed building addition has been angled, which not only provides a unique and distinctive architectural feature, but also minimizes the massing of the top of the building, further reducing the associated shadow impacts. This considers the historic and architectural value of the structure and its relation to the historic character of the surrounding area. Additionally, the upper section of the new addition at the southern end of the existing building includes an angled roof, which again affords a distinguishing architectural element, which also helps to diminish shadow impacts. The existing narrow courtyard is currently impacted by existing shadows – particularly on the planting beds – and the addition will not alter the character of the Howland Cultural Center or its yards.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA):

The Amended Site Plan Application before this Board constitutes an action exempt from the State Environmental Quality Review Act (“SEQRA”) because this is a Type II Action. See 6 NYCRR § 617.5(c)(7). The instant application proposes a 2,664+/- sq. ft. expansion of the existing nonresidential structure for office use, which is a Type II Action in accordance with Article 8 of the Environmental Conservation Law and under the SEQRA Regulations section 617.5(c)(7), since it consists of **“construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area** and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities” (bold emphasis added).

Accordingly, as a Type II Action this application for Site Plan Approval for the proposed expansion of the nonresidential structure for office use, which has historically been the use of the Premises, will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.



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CONCLUSION

For the reasons set forth above, and as will be further discussed at the Public Hearing on this matter, the Applicant respectfully submits that the aforementioned addition is consistent with the existing and proposed development along Main Street and within the Historic District and demonstrates compliance with all applicable Site Development Plan and Certificate of Appropriateness criteria in the Zoning Code. Moreover, it is respectfully submitted that the proposed addition is a Type II action under the SEQRA Regulations Section 617.5(c)(7), requiring no further environmental review. Thus, we respectfully request that this Board consider referring this Application to the City of Beacon ZBA, in connection with the Applicant's request for area variance relief for off-street parking.

In support of this application, please find enclosed one (1) original and five (5) copies of the instant letter with the following documents:

- Exhibit A:** Financial Analysis of the proposed development on the Premises, prepared by Daniel Aubry, of Daniel Aubry Realty;
- Exhibit B:** Shadow Impact Study, prepared by Cleary Consulting, dated July 20, 2017;
- Exhibit C:** Google Maps Aerials of the Premises;
- Exhibit D:** Responses to Comments Letter dated August 28, 2017, prepared by Cleary Consulting; and
- Exhibit E:** Amended Site Development Plan Application Form.

In further support of this Application, we respectfully submit five (5) copies of the site plans entitled "Site Plan Application – 475 Main Street", prepared by Aryeh Siegel, Architect, dated March 28, 2017, consisting of four (4) sheets, last revised August 29, 2017. Also enclosed is a CD-ROM of the submission.

We appreciate your continued efforts in this matter and look forward to appearing at the Planning Board meeting on Tuesday, September 12th in order to review the proposed addition the expansion of the office use and the maintenance of the Main Street retail use. In the meantime should this Board or City Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Taylor M. Palmer", is written over a light blue horizontal line.

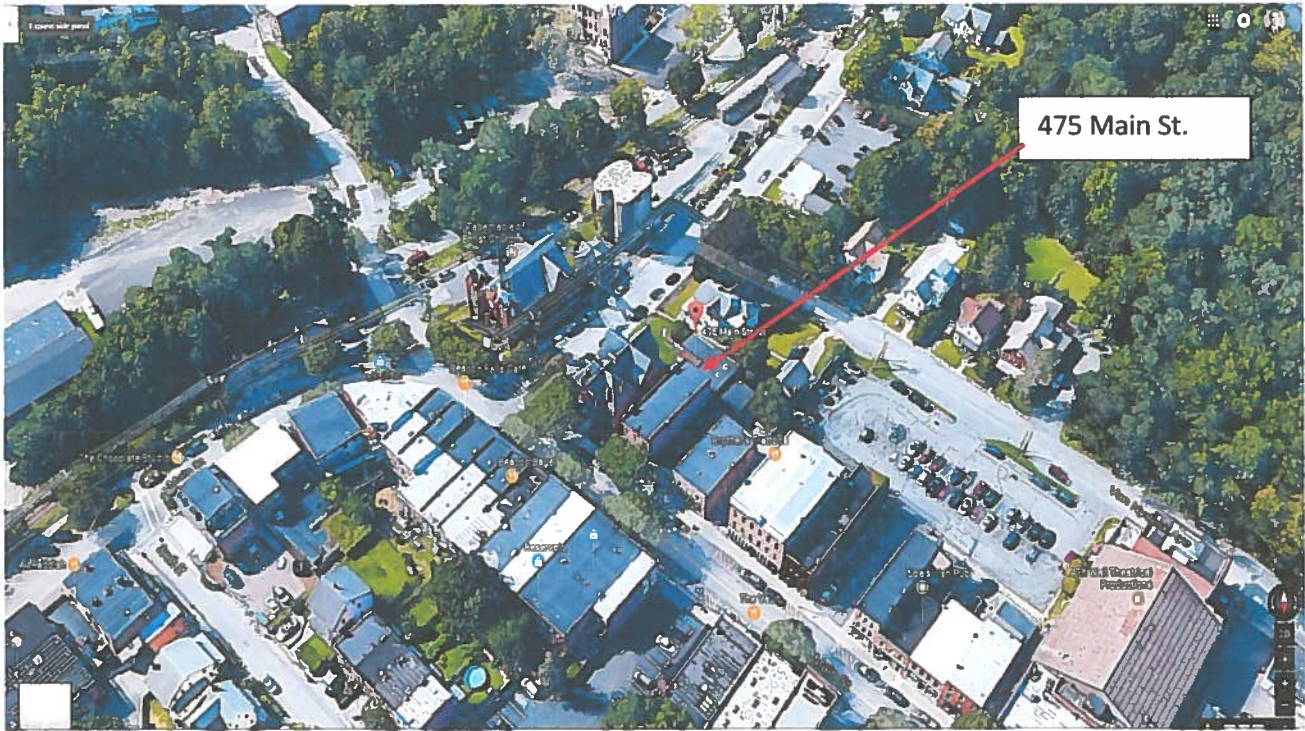
Taylor M. Palmer

Enclosures cc: Jennifer L. Gray, Esq.; Art Tully; John Clarke; Aryeh J. Siegel, Architect

Exhibit C

Google Map Aerials – 475 Main Street

View of Premises Facing South:



View of Premises Facing North:

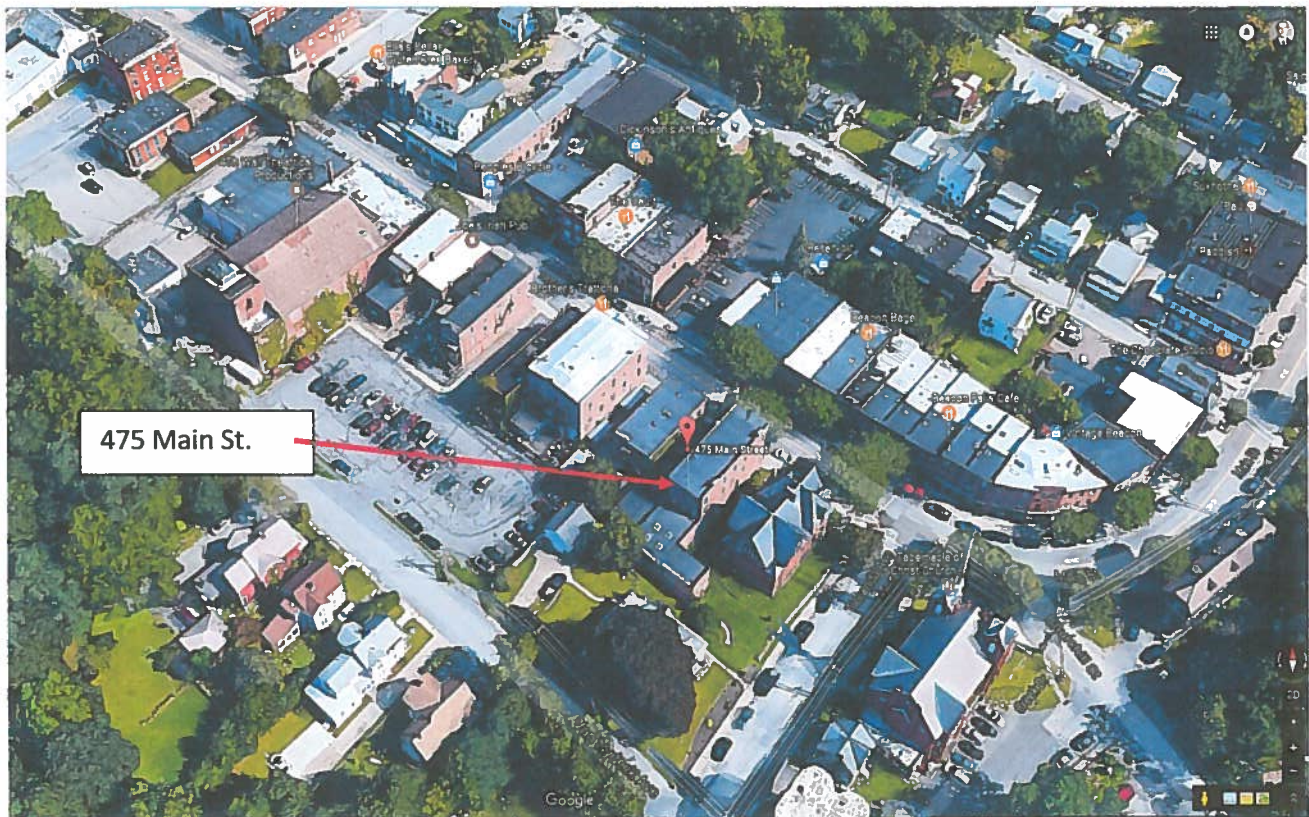


Exhibit C (Cont.)

Ariel View (Birds-eye) of Premises Facing North:



View of Premises From Tironda Avenue:



Exhibit C (Cont.)

Street View of Premises From Main Street Facing South:



Street View From Main Street Premises Facing East:

